

Brown meets with prisoners one-on-one for possible commutation

By NOELLE CROMBIE
The Oregonian

SALEM — Last month, a convicted felon about three years into an eight-year prison stint found himself face-to-face — via Zoom — with Gov. Kate Brown.

Brown was considering commuting Sean Pen's sentence for methamphetamine possession, allowing for his almost immediate release.

The governor impressed upon Pen, 33, that her decision would come with restrictions typical for anyone on probation. Violate them and he'd be back in prison to finish out his sentence, she warned.

In their brief conversation as Pen sat in an office at the Eastern Oregon Correctional Institution in Pendleton, the governor talked with Pen about his life, his time in prison, his plans for treatment and what he'd learned from his experience behind bars.

Pen walked out of prison this week.

His commutation comes as Brown undertakes an extraordinary — and ongoing — effort to reduce the prison sentences of dozens of people in Oregon's prisons.

She announced in October, for instance, that she would review more than 200 juvenile cases for commutation, in

some cases making longtime prisoners immediately eligible to pursue parole. Earlier this year, she granted conditional commutations to 41 incarcerated people who helped fight historic wildfires last year.

In the meantime, her staff confirmed Nov. 4 that Brown has met quietly with a total of 11 incarcerated people during the past two months, all of them by Zoom.

Leading advocates for rehabilitation, including Pen's lawyer Aliza Kaplan, have praised Brown and recommended prisoners for her consideration.

Some prosecutors and families of crime victims have expressed outrage at what they say is the lack of forewarning and consultation.

The video chat with Pen floored the Union County district attorney and a long-time probation officer familiar with Pen's case. Neither were invited to the Zoom call and both learned about Brown's decision after the fact.

In a private meeting last week, about a dozen district attorneys questioned two of the governor's lawyers about what they view as a hasty approach to cutting short prison sentences.

Brown's aides have said the governor wants to emphasize crime prevention and rehabilitation over long and expensive



Dave Killen/The Oregonian, File

Oregon Gov. Kate Brown speaks June 30, 2021, at a Reopening Oregon celebration at Providence Park, Portland.

prison sentences. Commutations are one of the executive powers that rest exclusively with the governor, and she has delivered far more than her predecessor, John Kitzhaber.

The purpose of meetings like the one with Pen is to explain that Brown is "interested in granting clemency only if they could agree to additional conditions on their commutation and release, in most cases related to receiving additional drug and alcohol treatment," said Charles

Boyle, one of Brown's spokespeople.

All commutations issued by Brown are conditional, he said in an email to The Oregonian. He noted that before the COVID-19 pandemic, Brown occasionally held face-to-face meetings with commutation candidates in her office.

She may opt to speak directly with a prisoner for a number of reasons, "including to ask questions that will help inform her decision, to emphasize the gravity of this action, or to allow the applicant the opportunity to agree to conditions of release," Boyle said.

It is not unheard of for governors to speak or even meet with a person behind bars. In one of his final acts as governor, Kitzhaber drove to Salem to meet with a 25-year-old man who was serving 12½ years for attempted murder and granted him clemency.

But a look at Brown's packed daily calendar perhaps reflects the depth of her commitment.

The most recent spate of meetings with incarcerated people came during a period when she also met with a bank executive, a top lobbyist in Washington, D.C., and her own executive team. Brown, head of a sprawling government bureaucracy, rarely meets with ordinary Oregonians one-on-one, making

these conversations with prisoners all the more remarkable.

On the day she had a conference call with Pen, for instance, Brown's calendar shows she met with House Republican Leader Christine Drazan, who was allocated the same 30-minute slot the governor's staff set aside for the clemency meeting.

The following day, her calendar shows another clemency meeting. It is unclear from her calendar whether she spoke with a prisoner at that time. That day, she also met with Washington Gov. Jay Inslee to discuss their states' vaccine mandates.

'She spends a lot of time on each case'

Kaplan, a Lewis & Clark Law School professor whose law clinic has represented many people seeking commutations, said Brown is friendly but firm in the sessions.

The governor, herself a graduate of Lewis & Clark Law School, stresses the stakes for the prisoner but also takes time to learn about them and their families, said Kaplan, who attended Pen's Zoom meeting and is often present during the conversations.

The prisoners are often "star-struck" in Brown's presence, Kaplan said.

"She spends a lot of time on each case in order to learn all there is to learn about the person and the past and the future and I think having the meetings whether on Zoom now or prior is a way to let the person know how serious she is about them not following through on the rules," Kaplan said.

Union County District Attorney Kelsie McDaniel said she wishes Brown had shown her the same courtesy as Pen, who has a long record of drug and property crimes in La Grande.

McDaniel said she was among the prosecutors who met recently with Brown's general counsel Dustin Buehler and another Brown lawyer, Kevin Gleim.

She asked about the Oct. 11 meeting with Pen and why Brown had taken time to meet with Pen but not local author-

ities familiar with his case. She said she knew Brown was considering the commutation but learned only later that the governor had decided to grant it.

"Is this something we are doing now?" McDaniel said she asked. "Are you going to allow that for the victims and the DAs? I have never been interviewed about a commutation by the governor personally."

McDaniel said Brown's lawyers told her that the governor met with Pen to "personally impress" upon him the significance of her commutation "and the conditions that were coming with it."

"I asked what happens if he leaves treatment or is unsuccessful?" she said. "The answer I received was the governor has the option to rescind the commutation."

She said she asked Buehler and Gleim how they would monitor Pen's progress.

"They said the governor's office knows when these people are unsuccessful," McDaniel said.

Pen was convicted in 2018 of possession of methamphetamine.

He was originally charged with multiple drug felonies involving methamphetamine and oxycodone possession and delivery.

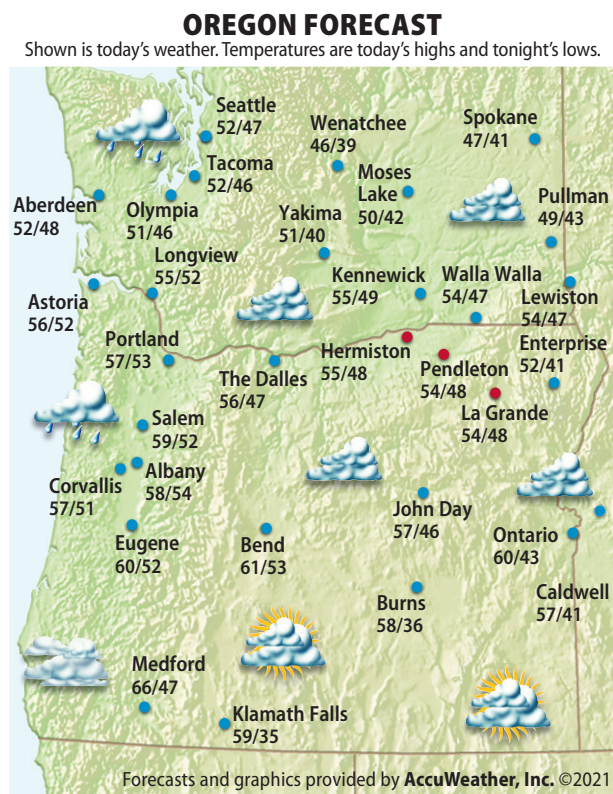
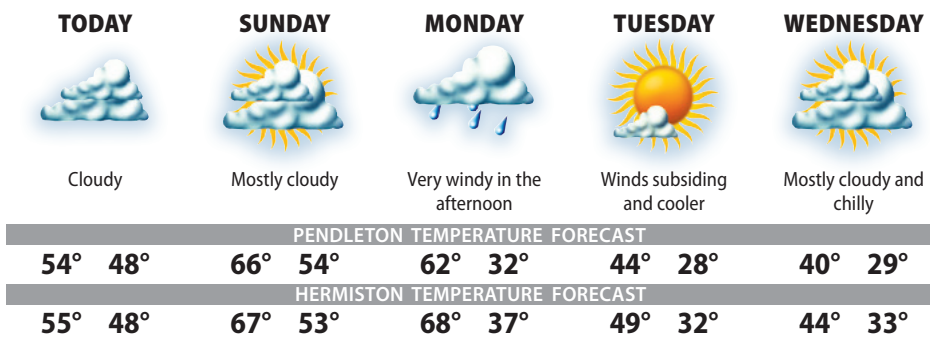
Prosecutors said the case involved a dealer amount of methamphetamine.

Under his plea deal, he agreed to an eight-year sentence. Prosecutors agreed to suspend the sentence provided Pen got treatment and met other conditions. As part of the deal, he was allowed two "minor" probation violations, McDaniel said. The third violation would send him to prison for the full sentence, which is what ended up happening, she said.

The original indictment cites Pen's persistent involvement in similar crimes in Union County and notes that the latest allegations took place while he was already on probation.

"Future efforts to rehabilitate (Pen) will not be successful and there exists a need to ensure the security of the public," the indictment states.

Forecast for Pendleton Area



ALMANAC
PENDLETON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	61°	43°
Normals	52°	34°
Records	80° (1999)	7° (1955)

PRECIPITATION
24 hours ending 3 p.m. 0.63"
Month to date 0.88"
Normal month to date 0.53"
Year to date 6.91"
Last year to date 11.71"
Normal year to date 10.85"

HERMISTON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	55°	46°
Normals	52°	33°
Records	74° (1999)	8° (2014)

PRECIPITATION
24 hours ending 3 p.m. 0.46"
Month to date 0.79"
Normal month to date 0.42"
Year to date 4.71"
Last year to date 3.52"
Normal year to date 6.89"

WINDS (in mph)

	Today	Sun.
Boardman	NW 4-8	SW 6-12
Pendleton	W 4-8	SW 7-14

SUN AND MOON
Sunrise today 6:52 a.m.
Sunset tonight 4:26 p.m.
Moonrise today 2:31 p.m.
Moonset today 12:44 a.m.

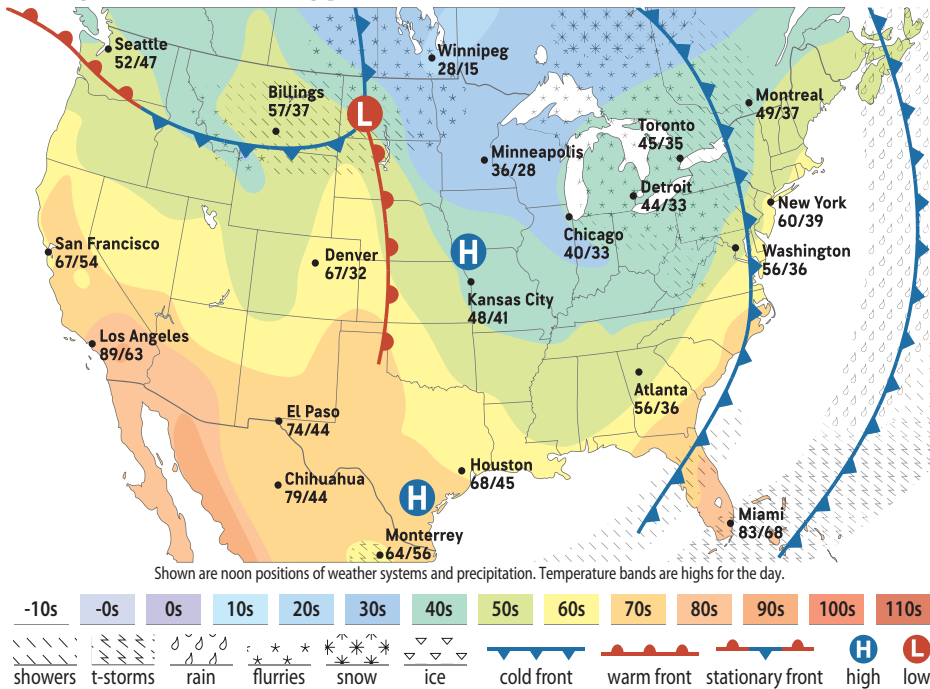
Full Nov 19, Last Nov 27, New Dec 3, First Dec 10

NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)

High 99° in Fallbrook, Calif. Low 5° in Valentine, Mont.

NATIONAL WEATHER TODAY



Thanksgiving travel projected to bounce back to pre-pandemic levels

By DAVIS CARBAUGH
The Observer

PORTLAND — Roads may be heavily congested again for this year's Thanksgiving travels, according to projections from the American Automobile Association.

AAA predicts that 53.4 million Americans will travel for the holiday, which is a rise of 13% from the numbers in 2020. With travel numbers nearing that of 2019, the projected boost in travel is expected to be the largest single-year increase since 2005.

"Travel is again high on the list for Americans who are looking forward to spending time with family and friends this Thanksgiving," AAA Public Affairs Director Marie Dodds said. "But it means travelers should plan for roads and airports to be noticeably more crowded than what we experienced during the pandemic."

The projections from AAA show that roughly 16.2% of the entire American population will travel for Thanksgiving, while approximately 17.7% of Oregon citizens will traverse. That

works out to about 746,000 Oregonians traveling for turkey day.

In 2019, approximately 49.9 million Americans traveled by automobile, 4.6 million flew and 1.5 million traveled by public transportation. Due to a severe drop in travel due to COVID-19 in 2020, roughly five and a half million less automobile travelers hit the road and air travel was cut in half by just over two million.

As this Thanksgiving approaches, AAA predicts 652,000 Oregonians will travel via automobile and 86,000 will fly.

A steep rise in gasoline prices over the last year is having an impact on projections, but not to a large extent. AAA noted the gas prices are not seen as a means to limiting travel, as those hitting the road will cut costs elsewhere. Gas prices are roughly \$1 more per gallon than during last year's Thanksgiving holiday.

"Gas prices aren't keeping people home," Dodds said. "Those who need to trim expenses will do so in other ways such as limiting

dining out and looking for more budget-friendly choices in accommodations and other activities."

Upon travel returning to a fuller extent this year, AAA is reporting hotel rates are up nearly 50% and rental car rates have risen about 4%. The top travel spots for AAA Oregon members are Anaheim, Fort Lauderdale, Orlando, San Diego and Maui.

According to AAA, the organization will receive roughly 8,200 calls for road assistance over the holiday. The top issues typically involve dead batteries, flat tires and lockouts.

AAA urges caution and planning ahead for this Thanksgiving, noting that busy roads and airports should be expected. According to the organization's website, those who travel by airplane should expect full flights.

AAA defines Thanksgiving holiday travel period as Nov. 24-28. AAA predicts the busiest travel days will take place on the Tuesday and Wednesday before Thanksgiving.

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